

OFFICIAL GAZETTE



GOVERNMENT OF GOA, DAMAN AND DIU

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Department of Personnel and Administrative Reforms

Corrigendum

1/19/74-PER. Vol. II

In the Schedule appended to this Department's Notification No. 1/19/74-PER. Vol. II dated 5-5-1981 notified in the Official Gazette No. 12, Series I dated 18-6-1981 relating to recruitment to Group 'A' and Group 'B' posts in the Office of the Captain of Ports, the word "or" appearing in 11th line vide (2) under Col. 11 against the post of Hydrographic Surveyor should be read as "to".

2. In the said Schedule the word Group 'A' appearing in Col. 12 against the post of Assistant Hydrographic Surveyor should be read as Group 'B' and the entry in Col. 12 against the post of Marine Engineer may be read as under:

Group 'A' DPC (for considering confirmation):

1. Chief Secretary — Chairman.
2. Administrative Secretary — Member.
3. Head of Deptt. — Member.

Note: — The proceedings of the DPC relating to confirmation shall be sent to the Commission for approval. If however, these are not approved by the Commission a fresh meeting of the DPC to be presided over by the Chairman or a Member of the UPSC shall be held.

G. H. Mascarenhas, Under Secretary (Personnel).

Panaji, 17th July, 1981.

Local Administration and Welfare Department

Notification

LAWD/62/79-E.C. Act

In exercise of the powers conferred under clause 2(c) of the Goa, Daman and Diu Controlled Commodities (Regulation of Distribution) Order, 1966, the Administrator of Goa, Daman and Diu hereby notifies that the following items are added to the schedule appended to the said Order.

- 8 — Controlled Cloth.

9 — Edible Oils including hydrogenated vegetable oils.

10 — Kerosene.

By order and in the name of the Administrator of Goa, Daman and Diu.

Alexandre Pereira, Under Secretary (Revenue).

Panaji, 17th July, 1981.

Legislative Assembly of Goa, Daman and Diu

Legislature Department

LA/B/7/1266/81

The following Bill which was introduced in the Legislative Assembly of Goa, Daman and Diu on 17th July, 1981 is hereby published for general information in pursuance of the provisions of Rule 136 of the Rules of Procedure and Conduct of Business of the Legislative Assembly.

The Maharashtra Co-operative Societies (Goa, Daman and Diu Fifth Amendment) Bill, 1981

(Bill No. 6 of 1981)

A BILL

further to amend the provisions of the Maharashtra Cooperative Societies Act 1960, in its application to the Union Territory of Goa, Daman and Diu.

Be it enacted by the Legislative Assembly of Goa, Daman and Diu in the Thirty-second Year of the Republic of India as follows: —

1. *Short title and commencement.* — (1) This Act may be called the Maharashtra Cooperative Societies (Goa, Daman and Diu Fifth Amendment) Act, 1981.

(2) It shall come into force at once.

2. *Amendment of section 73H.* — In section 73H of the Maharashtra Cooperative Societies Act, 1960, (Maharashtra Act XXIV of 1961) as in force in the Union territory of Goa, Daman and Diu (hereinafter called "the Principal Act") the following proviso shall be inserted after sub-section (3), of section 73H, namely: —

"Provided that this section shall not apply in the case of a casual vacancy occurring on

account of death, resignation, disqualification or removal of a member of the committee of a society belonging to the categories specified in this section, or through such a member becoming incapable of acting previous to the expiry of his term of office or otherwise. Such a vacancy is to be filled in by the committee by co-option, the member so co-opted being qualified to fill the seat under the provisions of the Act, Rules and Bye-laws of the Society and his name being on the membership register of the society as on 30th June of the year immediately preceding the year in which such co-option takes place.

"Provided further that the person so co-opted, shall hold office so long as the member of the committee in whose place he is co-opted would have held it if the vacancy had not occurred."

3. *Amendment of section 144B.*—In section (1) of section 144B of the Principal Act, after the words "shall be filled" the words "by co-option" shall be inserted.

Statement of Objects and Reasons

The election of the members of the committees of cooperative Societies belonging to the categories specified in section 73H of the Principal Act, is to be done according to the provisions of chapter XI-A of the Principal Act and the Goa, Daman and Diu specified Cooperative Societies Elections to Committees Rules 1978. In the event of a casual vacancy occurring during the term of office of the committee, the same is to be filled in by holding a bye-election.

The procedure for election of the committee under the provisions of chapter XI-A of the Principal Act and the Rules made thereunder is elaborate, time consuming and very expensive. Holding bye-elections for filling up the vacancies occurring from time to time on the committees of specified cooperative Societies results in long delays in filling up such vacancies and this affects the working of the societies. The elaborate procedure also involves lot of expense.

Section 73H (2) of the Principal Act provides for a fixed term of three years for the committees of specified cooperative societies. The Principal underlying the said provision of the fixed three year committee instead of the annual elections is that there should be stability in the committee which should be able to implement its policy during its term free from the pulls and pressures associated with annual elections. If, however, bye-election is to take place for filling a casual vacancy it may so happen that during the term of office of the committee two or three vacancies may occur, perhaps one or two every year, with the result that the committee will be involved continuously in the election procedure and the very purpose of providing a fixed term committee for three years will be defeated.

The amendment to section 73H providing for co-option to fill a casual vacancy on the committee and consequential amendments to sections are, therefore, proposed in order to ensure the smooth functioning of the committees of the specified cooperative societies during their term of office.

Financial Memorandum

The Bill does not entail any additional expenditure.

Panaji,
19th June, 1981.

VISHNU ANANT NAIK
M. L. A.

Assembly Hall,
Panaji,
29th June, 1981.

M. M. NAIK
Secretary to the Legislative
Assembly of Goa, Daman and Diu

(Annexure to Bill No. 6 of 1981)

The Maharashtra Co-operative Societies (Goa, Daman and Diu Fifth Amendment) Bill, 1981

The Maharashtra Co-operative Societies Act, 1960 as applied to the Union territory of Goa, Daman and Diu (Maharashtra Act No. XXIV of 1961)

73H. *Provision for conduct of elections of committees (and of officers) to certain societies and term of office of members of such committees.*—(1) The election of the member of the committee (and the officers by the committees) of the societies of the categories mentioned below shall be subject to the provisions of Chapter XI-A and shall be conducted in the manner laid down by or under that Chapter:—

- (i) Such Apex Cooperative Institutions which the State Government may, by general or special order published in the Official Gazette, from time to time, specify in this behalf, regard being had to the financial position and share capital of such institutions;
- (ii) All co-operative Banks;
- (iii) Land Development Bank;
- (iv) All Federal Institutions;
- (v) Any other society or class of societies, which the State Government may, by general or special order published in the Official Gazette, from time to time, specify in this behalf, regard being had to the financial position and share capital of such institutions.

(2) When the election of all the members of the Committee of any such society is held at the same time, the members elected on the Committee at such general elections shall hold office for a period of 3 years from the date on which the first meeting is held and shall continue in office until immediately before the first meeting of the members of the new Committee.

(3) Notwithstanding anything in the bye-laws of any such society, only the committee of management shall be elected by a general body of members of the society; and all other committees authorised by or under the bye-laws may be constituted only by electing or appointing persons from among the persons who are members of the committee of Management, and all such committees shall be sub-committees of the committee of management, and shall be subordinate to it."

144B. *When elections to be held.*—(1) Every election shall be held as far as possible sometime prior to the date on which the term of office of the retiring member or members is due to expire. If a vacancy occurs due to any other reason, it shall be filled as early as practicable.

(2) Notwithstanding anything contained in the bye-laws of any specified society, election to all the specified societies shall be held afresh in accordance with the provisions of this Chapter within six months of coming into force of the Maharashtra Cooperative Societies (Goa, Daman and Diu Third Amendment) Act, 1977.

Assembly Hall,
Panaji,
29th June, 1981.

M. M. NAIK
Secretary to the Legislative
Assembly of Goa, Daman and Diu.